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[additional counsel listed in signature page]

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO – LAS CRUCES

STUART P. MEERSCHIEDT, MARILYN
MEERSCHIEDT MORRIS, as trustees of
TRUST A, A SUB-TRUST OF STUART
PAUL MEERSCHIEDT AND BETTY
LOOMIS MEERSCHIEDT REVOCABLE
TRUST AGREEMENT DATED JUNE 4, 1990;
NEW MEXICO SMELTER & REFINING
INC.; SHELBY PHILLIPS, III; KATHERINE
A. PHILLIPS; and JANET I. CARSON, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

UNION PACIFIC RAILROAD COMPANY,
successor to SOUTHERN PACIFIC
TRANSPORTATION COMPANY; SFPP, L.P.
(formerly known as SANTA FE PACIFIC
PIPELINES, INC., formerly known as
SOUTHERN PACIFIC PIPELINES, INC.);
KINDER MORGAN OPERATING L.P. “D”;
and KINDER MORGAN G.P., INC.,

Defendants.

Lead Case No. 2:15-cv-00514-JCH-GJF
(consolidated with Case No. 2:15-cv-00915-
LAM-GBW)

**NOTICE OF SETTLEMENT AND
REQUEST TO CONTINUE STAY**

Pursuant to the Court's January 20, 2017 Order, Doc. # 95, and February 15, 2018, Doc. # 96, this case has been stayed pending Defendant Union Pacific Railroad Company's interlocutory appeal to the United States Court of Appeals for the Ninth Circuit. On February 6, 2018, the court of Appeals entered its opinion in *In re Right-of-Way Claims*, Case No. 16-56562 (9th Cir. Feb. 6, 2018). (Ex. A). The mandate from the Ninth Circuit was issued on February 27, 2018.

All Plaintiffs in these consolidated cases, and Defendants Union Pacific Railroad Company, SFPP, L.P., Kinder Morgan Operating L.P. "D," and Kinder Morgan G.P., Inc., (the "Parties") hereby inform the Court that the Parties have reached an agreement to resolve this litigation, and counsel for the Parties have executed a settlement term sheet.

The Parties respectfully request that the Court enter an order continuing all case deadlines for a period of 60 days to allow for finalization and performance of the settlement, and anticipated dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Dated: March 1, 2018

Respectfully submitted,

s/ Tammy B. Webb
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CERTIFICATE OF SERVICE

I hereby certify that on, March 1, 2018, the following document was served via email to all counsel involved.

s/ Tammy B. Webb
Tammy Webb